

A. US-VISIT Program

In the spring of 2003, Secretary Ridge and Under Secretary Hutchinson launched The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program. (Formerly known as entry/exit). The US-VISIT Program is a DHS priority that implements the following legislation:

- Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;
- The Data Management Improvement Act;
- The Visa Waiver Permanent Program Act;
- The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act; and
- The Enhanced Border Security and Visa Entry Reform Act.

According to DHS, the US-VISIT Program will strengthen the management of the pre-entry, entry, status, and exit of foreign nationals who travel to the U.S. The goals of the program are to enhance national security and facilitate legitimate trade and travel to the U.S. consistent with privacy considerations. This program is intended to provide government officials with specific information about who is entering the country and who is staying past their period of authorized admission. According to DHS, the implementation of US-VISIT will strengthen our border management programs by:

- Providing DOS officers improved access to data relevant to determination of visa eligibility;
- Providing the technology to improve detection of fraudulent documentation through automated capture and processing of data contained in travel documents;
- Providing for capture and processing of biometric data to improve precision of traveler identification;
- Improving data integration and systems interoperability to improve the quality of data available to border officers, law enforcement agencies, and intelligence agencies in terms of accuracy, consistency, completeness, and timeliness; and
- Improving the identification and reporting on alien visitors who have overstayed the legal duration of their visits or violated their immigration status.

The first major deadline for US-VISIT is December 2003, focusing on air- and seaports, and accordingly has been the focus of the Program to date. Under US-VISIT, border officers at air and some sea POEs will have the capability to access and review the visa information, including the photograph, during a visa holder's entry into the U.S. This capability will enable

the officers to verify the identity of the visa holder against the visa photograph and the passport photograph during their inspection for entry into the U.S. Additionally, border officers will capture the biometric (two index fingerprints and photograph) to verify and lock a visa holder's identity. The US-VISIT system will also compare the captured fingerprint against a fingerprint watch list. This will be an enhancement to the existing name check or biographical lookout check. The US-VISIT program will have the capability to capture biometrics, confirm the identity of travelers, and search against both a biographical and biometric watch list to prevent document fraud, identity theft, and unauthorized travelers from entering the U.S.

As of this writing, options for exit at air and sea POEs are being explored. The next major deadline is December 2004 for implementation at certain land border POEs. As previously mentioned, the focus at the time of this writing has been in the air and sea environments to meet the December 2003 deadline.

The General Accounting Office (GAO) Report⁵⁶ completed in September 2003 outlines 10 concerns relative to the implementation of the US-VISIT program. Some of these concerns are inherent to the program, and others are a product of the program's relatively emergent state of governance and management. Concerns from the report include the following observations:

- US-VISIT is critical to the DHS mission in preventing the entry of persons who pose a threat to the U.S.;
- It is large in scope and complex;
- There are daunting statutory milestones;
- US-VISIT will be a costly undertaking;
- Performance of initial increments of the US-VISIT system depend on the performance of existing systems that are to be interfaced;
- The emergent program office is currently not at full capabilities;
- The emergent governance structure is currently not at full capabilities;
- Operational impacts of new technologies and industry standards are not yet available;
- Facilities and infrastructure pose serious challenges; and,
- Lessons to be learned from the first implementation date of December 31, 2003 and adjusted for future milestones are not yet quantifiable.

The GAO report can be viewed in its entirety at www.gao.gov.⁵⁷

⁵⁶ GAO report number GAO-03-1083, *Homeland Security: Risks Facing Key Border and Transportation Security Program Need to Be Addressed*. September 19, 2003.

⁵⁷ GAO Report: www.gao.gov/cgi-bin/getrpt?GAO-03-1083

The Task Force spent all of last year assessing the challenging entry/exit issues provided its recommendations in its 2002 Report to Congress. The full text of those recommendations follows in the next section and the report can be viewed in its entirety at www.immigration.gov.⁵⁸ The Task Force was also briefed by the US-VISIT program throughout its work this year on interrelated issues of facilities and infrastructure, IT interoperability, and increased cooperation and coordination. Many of the Task Force members, both from government and industry are working closely with the US-VISIT program on implementation issues for the December 31, 2003 milestone.

The Task Force recognizes that there are still many issues to be resolved in the implementation of an entry/exit system and the US-VISIT Program. Accordingly, the Task Force has the following recommendation for 2003 as an addition to the nine recommendations submitted on entry/exit in the 2002 report:

Recommendation 12

Recognizing efforts of the Department of Homeland Security working with the Department of State on the US-VISIT Program thus far, it is recommended that the first phase at air and sea POEs be reviewed and evaluated no later than 6 months after implementation by an independent body. This evaluation must consider the program's effect on national and economic security and international trade and travel. Congress should consider any recommendations from the independent review and evaluation and also reconsider deadlines for all other entry/exit statutory requirements. It is further recommended that any mandates in this area receive appropriate funding.

B. Task Force Findings From 2002

In its 2002 work and report to Congress, the Task Force engaged in thoughtful and extensive debate on issues to address entry/exit challenges. The Task Force considered such issues as:

- Whether exit should be interpreted as a full mirror image of the current entry process and infrastructure, a simple matching of data in a database, or a point on the continuum between the two;
- What kind of infrastructure can be built in a land border environment where different entities own the land and different countries control the access;
- Infrastructure issues at air and sea ports where, in most instances, the existing space for arrival/entry is inadequate. Airports are also struggling to absorb the newly mandated Transportation Security Administration requirements for security;

⁵⁸ DMIA Task Force 2002 Report to Congress: www.immigration.gov/graphics/shared/lawenfor/bmgmt/inspect/dmia.htm.

- The issue of current documentary requirements for U.S. citizens as well as non-citizens, which presents a myriad of challenges, not only from a technical perspective, but also from security, facilitation, and diplomatic perspectives;
- Integration of multiple diverse IT systems currently in use by government and industry; and finally
- The importance of outreach and a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

The development of the entry/exit system requires the coordination and systematic review of the relationships with the other laws recently enacted that impact national security data systems and functions. Additionally, though not focused on in great detail, the Task Force also recognized new challenges that a successful entry/exit system would create. These include how enforcement entities will handle overstays once they are identified by the new system, and whether they have the resources to do so; the inter-relationship between entry/exit and stay activities related to benefits while in the U.S.; and the closing of the information loop in providing DOS with departure and related information for use in the visa issuance processes.

The Task Force members agreed in principle and reached consensus on nine general recommendations, although there are some areas where there are differing opinions.

The nine general recommendations on which the Task Force reached consensus in 2002 follow:

- 1. Appropriate funding levels should be established and adequate funding provided for the facilities and infrastructure necessary for development of an entry/exit system and to address increased growth in traffic across the nation's borders.**

Where applicable, the use of existing space and infrastructure both domestic and foreign, should be maximized, including the sharing of facilities among agencies. All possible Port-of-Entry (POE) scenarios and configurations should be employed.

- 2. Provide adequate staffing to effectively operate POEs and efficiently implement and manage entry/exit systems and processes.**
- 3. The entry/exit system should be developed and implemented in cooperation and coordination with foreign governments and other stakeholders.**

The U.S. government must uniformly apply inspection policy such that inspection procedures are consistent in their respective POE environment.

- 4. The U.S. Government should expand the use of initiatives to facilitate the entry/exit of known low-risk traffic.**

5. **The U.S. government must identify information technology, including biometrics, to enhance border security systems and facilitate cross border traffic. The technology should be interoperable with all federal, state, and local law enforcement agencies.**
6. **The development and the implementation of the entry/exit system should enhance the quality of life in affected communities in such areas as the environment, trade and tourism.**
7. **The entry/exit system should include and enhance current inspection processes so that required arrival and departure data is collected only once by the U.S. government and disseminated to appropriate users.**

As part of the entry/exit development process the U.S. government, in coordination with stakeholders, must conduct pilot programs prior to full deployment to determine their impacts measured against pre-established benchmarks.

8. **If changes to documentary requirements are proposed, the U.S. government must consult with affected stakeholders, in particular local communities, state and local governments and the private sector, concerning the impact of such changes on the environment; security; legitimate trade, commerce, travel; and foreign relations.**

The U.S. government should continue to work in conjunction with industry and other governments to develop more secure documents which facilitate travel, particularly as technology evolves and biometrics play a larger role.

9. **As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data collection requirements and continue to provide necessary travel statistics.**

As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

Several government agencies received additional appropriations through the fiscal year 2002 Emergency Supplemental Appropriations Act that was passed shortly after the events of September 11. Both legacy INS and legacy USCS received an influx of positions and/or funding to support and strengthen northern border operations. These resources provided an immediate but interim response to the much larger issue of improving traffic flow and strengthening border security at all POEs. The recommendations presented by the Task Force provide a comprehensive overview of the enormity of these issues and begin to identify the resources needed for their implementation.